

REMARKS

Claims 56-69 have been canceled.

Claims 30-35, 43-55 and 68-69, which previously had been withdrawn, have been canceled pursuant to MPEP 821.02 in order to facilitate prosecution of this application.

Claims 36-42 have been amended.

Claim 70 has been added.

Claims 60-64 were allowed in the Office Action of November 1, 2004.

35 U.S.C. §102

MPEP 2131 quotes Verdegaal Brothers v. Union Oil of California, 814 F.2d 628, 631 (Fed. Cir. 1987) for the legal standard of anticipation: “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (emphasis added).

Claims 65-67

Applicants respectfully traverse the rejection of claims 65-66.

Among other things, claim 65 claims “connecting a graft vessel to said anastomosis device on the anastomosis device applicator with an end of the graft vessel passing out a side hole of at least one of the first and second tubes.” In contrast, U.S. Pat. No. 5,833,698 to Hinchliffe (“Hinchliffe”) neither inherently or expressly discloses a tube having a side hole. Instead, Hinchliffe discloses an anvil assembly 16 having an anvil 26 and a collet 28, where the anvil 26 and collet 28 are laterally offset from the body portion 14 and “define a longitudinal axis substantially parallel to the body portion 14,” where the body portion 14 is a shaft that connects a handle 12 to the anvil assembly 16. (*e.g.*, col. 5, lines 48-55; Figures 1-1A, 12, 14, 18, 25, 28). The collet 28 include two collet portions 78a,b that together “define

a passage through which the harvested vessel may pass.” (e.g., col. 6, lines 61-62; col. 7, lines 2-4; Figure 3A). The passage 18 is substantially tubular and extends along the longitudinal axis defined by the collet 28. (*Id.*) The graft “is inserted through passage 18 in collet 28, such that the end of the [graft] protrudes beyond the distal end portion of collet 28.” (e.g., col. 8, lines 55-57; Figures 11-12). The only openings in the collet 28 described in Hinchliffe are its proximal and distal ends. The end of the graft extends out of the proximal end of the collet 28 of Hinchliffe, not out of a side hole of the collet 28. Indeed, Hinchliffe fails to disclose an opening of any kind in the side of the collet 28.

Thus, Hinchliffe neither expressly nor inherently describes each and every element claimed in claim 65, and Applicants believe claim 65 is in condition for allowance. Claims 66-67 depend from claim 65, and are thus believed to be in condition for allowance as well under MPEP 608.01(n)(III).

REQUEST FOR ALLOWANCE

Allowance of the pending claims is respectfully solicited. Please contact the undersigned if there are any questions.

Respectfully submitted,



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